

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00243

Donald Wayne Ingle, Jr.,
Petitioner,

v.

Director TDCJ-CID
Defendant.

ORDER

Petitioner Donald Wayne Ingle Jr., proceeding pro se, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging four of his six Wood County felony offenses for sexual assault of a child. Doc. 3. This petition was referred to United States Magistrate Judge John D. Love. On August 15, 2022, Judge Love issued a report and recommendation (Doc. 11), recommending that petitioner's successive federal habeas petition be denied—without prejudice to his right to seek permission from the Fifth Circuit Court of Appeals to file a successive petition. Judge Love also recommended that petitioner be denied a certificate of appealability sua sponte. A copy of this report and recommendation was sent to petitioner at his address with an acknowledgement card. The docket reflects that petitioner received a copy of the report on August 23, 2022. Doc. 12. However, to date, no objections to the report and recommendation have been filed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Petitioner's federal habeas petition is denied without prejudice to petitioner's right to seek permission from the Fifth Circuit Court of Appeals.

Petitioner is denied a certificate of appealability sua sponte. All motions pending in this action are denied.

So ordered by the court on September 26, 2022.



J. CAMPBELL BARKER
United States District Judge